



Washington State Department of Agriculture News Release

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Agriculture Department issues fines and suspensions for pesticide violations

OLYMPIA – During the third quarter of 2003, the state Department of Agriculture (WSDA) issued fines totaling \$7,350 against five individuals and two corporations for violating state pesticide laws and rules. Three individuals had their licenses suspended for a total of 65 days, and one corporation's pesticide dealer license was suspended for three days.

Fines ranged from \$250 to \$3,000 for violations that included not following pesticide label directions, allowing pesticide to drift onto a person or property, and selling restricted-use pesticides to uncertified applicators. WSDA also obtained a permanent order in Pierce County Superior Court against a structural pest control and inspection business operating in the Tacoma-Pierce County area.

A penalty matrix is used to ensure penalties are uniform and fair. The matrix takes into account the seriousness of the violation, whether it is a first or a repeat offense, and whether there are any aggravating or mitigating factors involved. Larger penalties often reflect repeat offenses or multiple violations within the same incident.

WSDA enforces state and federal laws to protect people, property and the environment against the improper use of pesticides. Staff also provides technical assistance to the pesticide industry and consumers, and enforces the rules on structural inspections for wood destroying organisms, such as carpenter ants, termites or certain beetles. About 200 allegations of improper distribution or misuse of pesticides, or faulty structural inspections are investigated each year.

To file a complaint involving the misuse of a pesticide, or to find out if a pesticide applicator or structural pest inspector is licensed, call (877) 301-4555.

Alta Golf, Inc., an agricultural establishment that grows apples in Okanogan County, was fined \$600. In May 2003, a WSDA inspector found that the corporation failed to display a safety poster and pesticide application information at a central location, as required by worker protection standards.

Chris A. Eskildsen, vice president and commercial operator for B & R Aerial Crop Care, Inc., Connell. WSDA alleged that in the summer of 2000, when Eskildsen applied insecticide to a potato field, the spray drifted onto the Wahluke school campus affecting the health of 14 students and staff. The department also alleged that Eskildsen kept insufficient pesticide application records. The matter was resolved when Eskildsen, without an admission of wrongdoing, agreed to a 30-day license suspension and to pay \$3,000.

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Jerry Forney, a private applicator from Oroville. WSDA alleged that when Forney sprayed insecticide on his apple orchard in April of 2003, the spray drifted onto a neighbor's property causing an individual to become ill. Forney voluntarily took steps to reduce future risk by cutting down the trees next to his neighbor's property. The matter was resolved when Forney agreed to a five-day license suspension and to pay \$250.

Thomas R. Lipp, a commercial operator and former manager of Sprague Pest Solutions, Seattle, had his license suspended for 30-days. From 2000 through 2002, Lipp falsified pesticide licenses and made recommendations and applications under the pretense of being properly licensed.

Charles Patterson, owner of Design Outdoors, a landscape care company in Wenatchee, was fined \$1,000. In June 2003, WSDA observed a company employee applying pesticides to a commercial landscape. Patterson was not licensed with the department to operate a commercial pesticide application business.

Christopher Senske, commercial applicator for Senske Lawn and Tree Care, Inc., Kennewick. WSDA alleged that in the summer of 2001, a corporation employee sprayed a customer's landscape with a pesticide that was contaminated with herbicide. The application damaged numerous trees and shrubs. The matter was resolved when Senske, without an admission of wrongdoing, agreed to pay \$2,500.

Simplot Grower Solutions, a pesticide dealer in Moses Lake. WSDA alleged that in the summer of 2002, Simplot Grower Solutions sold a restricted-use pesticide to an uncertified applicator. WSDA also alleged that the pesticide dealer was not maintaining adequate distribution records of restricted-use pesticides. The matter was resolved when Simplot Grower Solutions agreed to a three-day license suspension.

Phillip V. Williams, Premier Pest Control and Inspection Service and Premium Pest Control, Tacoma. In September, Pierce County Superior Court ordered Williams to stop operating a pest control and inspection service without a department license. WSDA fined Williams in 1997 for issuing false reports, but he failed to make the agreed upon payments and did not renew his license. In the fall of 2001, WSDA learned that Williams was back in business when consumers complained that he overcharged them, did not perform work he agreed to do, and harassed them for payment. A subsequent investigation found him operating without a license. A preliminary court order in January 2003 prohibited him from operating his business and fined him \$1,000. However, Williams continued to operate his business. Pierce County Superior Court's contempt order threatens additional sanctions, including possible jail time, if Williams continues to operate without a license.

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